

REMARKS

Claims 1-5 and 12-25 are pending in this application. In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

In particular, independent claim 1 has been amended to clarify the type of materials used in the golf ball cover. As no new matter has been added, Applicants respectfully request entry of these amendments at this time.

ALLOWABLE SUBJECT MATTER

Applicants appreciate the Examiner's allowance of claims 17-25. Based on the reasons for allowance stated on page 2 of the Office Action, Applicants have rewritten claim 1 to clarify the type of materials used for the cover. In particular, claim 1 now recites a golf ball cover comprising a thermoset polyurethane.

THE REJECTIONS UNDER 35 U.S.C. §§ 102 & 103

Claims 1-5, 12, and 15-16 were rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under §103(a) as obvious over U.S. Patent No. 6,248,028 to Higuchi *et al.* as provided on page 2 of the Office Action. In addition, the Examiner rejected claims 12-16 under § 103 as obvious over U.S. Patent No. 6,702,695 to Higuchi *et al.* for the reasons stated on page 2 of the Office Action. Neither Higuchi reference discloses or suggests the present invention for the reasons that follow.

As recognized by the Examiner, neither of the Higuchi references teach thermoset covers. In fact, the Higuchi '028 patent teaches an outer cover layer formed from a thermoplastic polyurethane outer cover layer. *See* Col. 3, lines 44-45. As such, the Higuchi '028 patent does not anticipate claim 1. In addition, based on Higuchi's teaching to injection mold or compression mold the inner and outer cover layers (*see, e.g.*, Col. 4, lines 41-43), a skilled artisan would not have found it obvious to use a material that is typically casted, *i.e.*, the thermoset material presently recited.

Likewise, the Higuchi '695 patent teaches an outer cover layer formed from thermoplastic materials. In particular, the '695 patent teaches a golf ball with an outer cover layer formed from a thermoplastic polyurethane or ionomer resin. *See* Col. 4, lines 42-44. In light of the limited disclosure on cover materials, a skilled artisan would not have found it obvious to use a thermoset material instead of the disclosed thermoplastic material, especially in view of the stated performance objective of achieving long flight distance. Col. 8, lines 12-15.

For at least the reasons discussed above, the Higuchi references do not disclose or suggest the invention presently recited in independent claim 1, and those claims depending therefrom. Thus, Applicants respectfully request reconsideration and withdrawal of the §§ 102 and 103 rejections based on the cited references.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present amendments still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

No fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Swidler Berlin LLP Deposit Account No. 195127, Order No. 20002.0363.

Respectfully submitted,
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Dated: December 15, 2005

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